

(Decision No. C96-531)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INSURANCE)
SHOW CAUSE AND REVOCATION OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC) CASE NO. 0145-INS.
NO. 53655, OWNED BY EAGLE VALLEY)
CAB COMPANY, P. O. BOX 1282,)
EAGLE, COLORADO 81631.)

COMMISSION DECISION ON EXCEPTIONS

Mailed date: May 29, 1996
Adopted date: May 22, 1996

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. This matter comes before the Colorado Public Utilities Commission ("Commission") for consideration of exceptions to Decision No. R96-398, filed by Eagle Valley Cab Company ("Eagle").

2. In Decision No. R96-398, an Administrative Law Judge ("ALJ") for the Commission recommended that Certificate of Public Convenience and Necessity PUC No. 53655 be revoked for failure to maintain insurance on file with this Commission.

3. In accordance with the provisions of § 40-6-109(2), C.R.S., Eagle timely filed exceptions to said recommended decision disputing the ALJ's decision.

4. Now being duly advised in the matter, we will deny the exceptions and revoke Certificate of Public Convenience and Necessity PUC No. 53655.

B. Discussion

1. Eagle stated in its exceptions that it mailed a letter on February 21, 1996, requesting permission to suspend operations.

There is no record of this Commission ever having received such a letter. Eagle was, however, advised by the Commission, on multiple occasions, of a pending show cause and of the fact that its authority would be revoked if insurance was not filed with this Commission.

2. The Commission's first notice to Eagle came in the form of a letter mailed on February 22, 1996. Said letter advised Eagle of an insurance cancellation notice having been received by the Commission, and that if new insurance was not filed, a show cause hearing would be set. The "Order to Show Cause and Notice of Hearing" was sent to Eagle on February 26, 1996; and finally, Decision No. R96-398, was rendered and mailed to Eagle on April 17, 1996.

3. Each of the notifications and the recommended decision advised Eagle that the authority could and would be revoked if insurance was not filed. Eagle neither responded to any of the Commission's notifications, nor did it appear at the hearing which revoked the authority. It has not filed insurance with this Commission, and has admitted, within its exceptions, that in violation of Commission Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle, *4 Code of Colorado Regulations 723-31*, it ceased operations in January of 1996, without prior approval of the Commission.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed by Eagle Valley Cab Company do not state an adequate basis for reversing or modifying the decision of the Administrative Law Judge, and are denied.

2. Certificate of Public Convenience and Necessity PUC No. 53655 is revoked.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this decision.

B. This Order is effective on its Mailed Date.

C. ADOPTED IN OPEN MEETING May 22, 1996.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

R. BRENT ALDERFER

Commissioners

ORDER-AHT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

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I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

RESPONDENT:

Eagle Valley Cab Company
P. O. Box 1282
Eagle, CO 81631

ROUTE:

1
2
3
4
6-Docketing
9
10
10.1
20
21
30
31/2 copies
40/5 copies
50
60
Black Book
Operating Rights Unit
DMS (plus certificate)

ORDER-AHT

WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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BRUCE N. SMITH
DIRECTOR